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Media Release

INDIGENOUS YOUTH HAVE THEIR SAY ON CONSTITUTIONAL RECOGNITION

As Australia heads towards a referendum on Indigenous constitutional recognition, this year more than ever, Australians are being encouraged to use Australia Day/Invasion Day/Survival Day to get informed about this crucial issue.

In a special edition on Indigenous recognition, the Centre's Indigenous Law Bulletin (ILB) is tackling the complex issues surrounding the referendum, with contributions from the next generation of Indigenous lawyers.

Two UNSW Indigenous law students are published in this edition with insightful analysis of the anxieties the Indigenous community has about any future referendum.

"Within the Wiradjuri Nation of central NSW, there has been a wide array of responses to the movement," writes Jason O'Neil. "While some community members support the idea in principle, others view it as a distraction from substantive, structural, and community-based reforms that are sought by Indigenous people."

Alongside the views of Indigenous youth studying the law is expert commentary from leading academics UNSW Professor Megan Davis, UN Expert Member and member of the Prime Minister's Expert Panel on Constitutional Recognition of Indigenous Australians; and Kate Galloway, Senior Lecturer at James Cook University.

Writing in the ILB, Professor Davis argues there are competing ideas over what 'recognition' means to Indigenous people and to the broader Australian community, and that this needs to be resolved in order to move forward.

"For mainstream commentators and members of the public not commonly engaged in Indigenous affairs, 'recognition' presupposes symbolism....On the other hand, most Aboriginal and Torres Strait Islander communities understand recognition as substantive.

"On the spectrum of recognition, strong form recognition is aligned with long-held political aspirations expressed through significant statements such as the Yirrkala Bark Petitions," Professor Davis writes. "For this reason some misinterpret Aboriginal and Torres Strait Islander peoples' ambivalence about recognition."

Kate Galloway discusses the legal arguments surrounding constitutional recognition as well as the recommendations made by the Expert Panel on Constitutional Recognition of Indigenous Australians.

“Any legal argument must be put in context of the purpose of the recognition process,” Ms Galloway writes. “It needs to be accepted that no one can predict exactly how these proposed changes will be interpreted if they are successful, but at some point, trust is needed that recommendations for change must work on some level.

“If we desire change in our national story, then the Panel recommendations offer a once-in-a-lifetime opportunity to advance reconciliation and human rights through important Constitutional change.

“It cannot happen without the first step of supporting the principles of progressive amendment.”

Other contributors to the ILB special edition include UNSW Indigenous law student Jessica Kitch, who explores constitutional recognition and the flaws in Indigenous affairs; Yanyuwa lecturer Gordon Chalmers from the University of Queensland, who challenges thinking around notions of race, identity and the Constitution; Shelley Bielefeld, lecturer from the University of Western Sydney who looks at the use of language in policy decisions and constitutional recognition; and recent UNSW Law graduate Lucy Jackson, who examines possible models for a more complete Commonwealth.

“As we move towards a referendum, the role of the Indigenous Law Centre in providing quality information on the issue to Australians, in particular to Aboriginal and Torres Strait Islander peoples, has become even more important,” says ILB editor Rebecca Gallegos.

“As such, we will continue to explore this theme in a second thematic edition of the ILB to be published in late February.”

[Click here to read our three feature articles by Megan Davis, Kate Galloway and Jason O'Neil.](#)

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